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**SERVICE SOLUTIONS SUCCESS**



**CITY DEVELOPMENT DEPARTMENT  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL  
CORRECTED DATE  
JANUARY 14, 2013  
1:30 P.M.**

Meeting called to order at 1:56p.m.

The following Board Members answered roll call:

Mr. Robert Concha, Jr., Chairman  
Mr. Robert Garland, Vice Chairman  
Mr. Ken Gezelius  
Mr. Rick Cordova  
Mr. Lamar Skarda  
Mr. Sam Barela  
Mr. Michael Bray

The following City Staff were present:

Ms. Linda Castle, City Development Department, Planning  
Mr. Alex Hoffman, City Development Department, Planning  
Mr. Daniel Chavira, City Development Department, Building Permits & Inspections, Building Plans Examiner  
Ms. Kristen Hamilton, City Attorney's Office, Assistant City Attorney

**CHANGES TO THE AGENDA**

*None.*

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**ITEM 1:**

PZBA12-00041                      5798 Dalhart Drive                      Jose E. and Gloria O. Martinez  
Applicants request a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. This would permit a new 26' by 11'5" (296 square feet) carport located to within 14 feet of the front property line in an R-3 (Residential) zone district. The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district. At the December 10, 2012 meeting, the Board postponed this item. The applicants are requesting a carport that will encroach in the required front yard setback. The carport will match the existing house in materials and design and will rise no higher than the house. There is no utility easement at the front property line. Building Permits & Inspection has provided written approval of the structural drawings. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION J.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any phone calls, letters or emails in favor of or in opposition to the request.

Mr. Eric Madrigal, representative, was present and responded to questions and comments from board members and staff.

**MOTION:**

*Motion made by Mr. Gezeliuss, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 2:**

PZBA12-00044    14369 East Cave Avenue                      Desert View Homes  
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) in an R-3A (Residential) zone. This would permit an existing residential structure which was built encroaching 0.8 feet (9.6") into the westerly side setback and is located to within 4.2 feet of the side property line.

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The required side yard setback in the R-3A zone district is 5 feet. This request for the builder error special exception is for a 9.6" encroachment into the required side yard setback. The applicant has submitted a letter stating that the error was unintentional. The applicant has not requested the builder error in the last 12 month period. **STAFF RECOMMENDATION IS FOR APPROVAL AS THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G WITH THE CONDITION THAT THE SIDE OF THE HOUSE THAT IS ENCROACHING INTO THE SIDE YARD SHALL BE FIRE RATED.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any phone calls, letters or emails in favor of or in opposition to the request.

Mr. Albert Ronquillo, applicant, was present and responded to questions and comments from board members and staff.

**MOTION:**

*Motion made by Vice Chair Garland, seconded by Mr. Cordova AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 3:**

PZBA12-00045 2313 Glitter Point Street Casas De Leon, LLC  
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) in an R-5 (Residential) zone. This would allow an existing residential structure that was built encroaching 0.8 feet (9.6") into the required rear yard setback and is located to within 22.7 feet of the rear property line. The required front and rear yard cumulative setback total is 45 feet in the R-5 zone district.

This request for the builder error special exception is for a 9.6" encroachment into the required rear yard setback. The applicant has submitted a letter stating that the error was unintentional. The applicant has not requested the builder error in the last 12 month period. **STAFF RECOMMENDATION IS FOR APPROVAL AS THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G.**

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Ms. Castle gave a PowerPoint presentation and noted Staff did receive one phone call from a neighbor curious as to what the request was for, and did not receive any letters or emails in favor of or in opposition to the request.

Mr. Enrique Ayala, representative, was present and responded to questions and comments from board members and staff.

**MOTION:**

*Motion made by Mr. Skarda, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 4:**

PZBA12-00046      8825 Cosmos Drive

Oscar Amaya

Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-4 (Residential) zone. This would allow the construction of an 18'6" by 22'6" carport which is proposed to be located to within 2 feet of the front property line. The required front and rear yard cumulative setback total is 45 feet in the R-4 zone district.

The owner is requesting to build a carport over an existing curved driveway in the front yard. There is no utility easement at the front property line. The carport will match the house in materials and design and the roof will rise no higher than the roof of the house. Building Permits & Inspection has provided written approval of the structural drawings. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION J.**

Ms. Castle gave a PowerPoint presentation and noted Staff did receive four phone calls requesting that the carport match the house, and did not receive any letters or emails in favor of or in opposition to the request.

Mr. Eric Madrigal, representative, was present and responded to questions and comments from board members and staff.

Mr. Oscar Amaya, applicant, was present and responded to questions and comments from board members and staff.

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**1<sup>st</sup> MOTION:**

*Motion made by Mr. Skarda TO APPROVE.*

**AYES:** Board Members Gezelius, Cordova, Skarda, Barela, Bray, and Chairman Concha, Jr.

**ABSTAINED:** Vice Chair Garland

**2<sup>nd</sup> MOTION:**

*Motion made by Vice Chair Garland, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO POSTPONE ITEM 4, PZBA12-00046, TO THE NEXT ZBA MEETING.*

**ITEM 5:**

PZBA12-00047      8700 Echo Street      Graciela Gonzalez  
Applicants request a Special Exception under Section 2.16.050 G (Builder Error) in an R-4 (Residential) zone. This would allow an existing residential structure which encroaches 0.9 feet (10.8") into the required side yard setback and is located to within 4.1 feet of the southerly side property line. The required side yard setback is 5 feet in the R-4 zone district.

The applicants are requesting the builder error for a 10.8" encroachment into the side yard setback. They are not responsible for constructing the duplex building and have submitted a letter stating they are not aware of when and by whom the error occurred. This is their only request for the builder error in the past 12 months. Jesus Garcia is identified in the building permit records as the building contractor, but Planning staff and the applicant have been unable to locate or communicate with this individual. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G WITH THE CONDITION THAT THE CONSTRUCTION BE FIRE RATED.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any phone calls, letters or emails in favor of or in opposition to the request.

Ms. Graciela Gonzalez, applicant, was present and responded to questions and comments from board members and staff.

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**MOTION:**

*Motion made by Vice Chair Garland, seconded by Mr. Barela AND UNANIMOUSLY CARRIED TO APPROVE.*

Ms. Castle noted the next ZBA meeting will be held Monday, February 11, 2013.

**Other Business**

3. Approval of Minutes: December 11, 2012

Chairman Concha asked if Board Members had any additions/corrections/revisions to the minutes. There was no response.

**MOTION:**

*Motion made by Mr. Gezelius, seconded by Vice Chair Garland AND UNANIMOUSLY CARRIED TO APPROVE THE DECEMBER 10, 2012 MEETING MINUTES.*

**MOTION:**

*Motion made by Mr. Bray, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING.*

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Linda Castle, Senior Planner

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